

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN W. HANNA

Plaintiff,

v.

BERKS COUNTY DISTRICT
ATTORNEY'S OFFICE COLIN
BOYER, *et al.*

Defendants.

CIVIL ACTION NO. 21-3812

ORDER

AND NOW, this 19th day of November 2021, upon consideration of Plaintiff Hanna's Application to Proceed *In Forma Pauperis* [Doc. No. 1] and Complaint [Doc. No. 2], and for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that:

(1) Plaintiff Hanna's Application to Proceed *In Forma Pauperis* [Doc. No. 1] is

GRANTED;

(2) Plaintiff's claims against Defendant Sgt. Menges are **STAYED**;

(3) Plaintiff's federal claims against Defendant Colin Boyer, Defendant Sean Fitzgerald, Defendant Magistrate "Jane Doe," and Defendant Kyle "Doe" are **DISMISSED with prejudice**; and

(4) Any state claims asserted by Plaintiff against Defendant Colin Boyer, Defendant Sean Fitzgerald, Defendant Magistrate "Jane Doe," and Defendant Kyle "Doe" are **DISMISSED without prejudice** to filing in the appropriate state court.

The Clerk of Court is directed to place this case into **CIVIL SUSPENSE** until further order of the Court. Plaintiff Hanna shall promptly notify the Court following the resolution of his criminal case. Plaintiff may move to reopen this action at that time.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.